

<div>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</div> <div>Daniel King The Attorney Group 3435 Wilshire Blvd Suite 1111 Los Angeles, CA 90010 213-388-3887 Fax: 213-388-1744 State Bar Number: 207911 dking@theattorneygroup.com</div>		<div>FOR COURT USE ONLY</div>	
<div><input type="checkbox"/> Debtor(s) appearing without an attorney</div> <div><input checked="" type="checkbox"/> Attorney for: Debtors</div>			
<div>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA</div>			
<div>In re:</div> <div>Michael Dermont Hill Regina Delorse Hill</div>		<div>CASE NO.: 2:14-bk-25039-NB CHAPTER: 13</div>	
		<div>NOTICE OF OPPORTUNITY TO REQUEST A HEARING ON MOTION</div> <div>[LBR 9013-1(o)]</div>	
<div>Debtor(s.)</div>		<div>[No hearing unless requested in writing]</div>	

TO THE U.S. TRUSTEE AND ALL PARTIES ENTITLED TO NOTICE, PLEASE TAKE NOTICE THAT:

1. Movant(s) Michael Dermont Hill & Regina Delorse Hill, filed a motion or application (Motion) entitled Motion for Order to Vacate Dismissal; Memorandum of Points & Authorities; Declaration of Attorney Daniel King.
2. Movant(s) is requesting that the court grant the Motion without a hearing as provided for in LBR 9013-1(o), unless a party in interest timely files and serves a written opposition to the Motion and requests a hearing.
3. The Motion is based upon the legal and factual grounds set forth in the Motion. (Check appropriate box below):

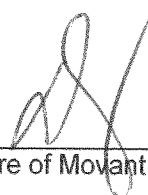
☒ The full Motion is attached to this notice; or

☐ The full Motion was filed with the court as docket entry #_____, and a detailed description of the relief sought is attached to this notice.

4. **DEADLINE FOR FILING AND SERVING OPPOSITION PAPERS AND REQUEST FOR A HEARING:** Pursuant to LBR 9013-1(o), any party who opposes the Motion may request a hearing on the Motion. The deadline to file and serve a written opposition and request for a hearing is 14 days after the date of service of this notice, plus 3 additional days if you were served by mail or pursuant to F.R.Civ.P. 5(b)(2)(D) or (F).
- a. If you timely file and serve a written opposition and request for a hearing, movant will file and serve a notice of hearing at least 14 days in advance of the hearing. [LBR 9013-1(o)(4)]
- b. If you fail to comply with this deadline:
- (1) Movant will file a declaration to indicate: (1) the Motion was properly served, (2) the response period elapsed, and (3) no party filed and served a written opposition and request for a hearing within 14 days after the date of service of the notice [LBR 9013-1(o)(3)];
- (2) Movant will lodge an order that the court may use to grant the Motion; and
- (3) The court may treat your failure as a waiver of your right to oppose the Motion and may grant the Motion without further hearing and notice. [LBR 9013-1(h)]

Respectfully submitted,

Date: September 15, 2017



Signature of Movant or attorney for Movant

Daniel King

Printed name of Movant or attorney for Movant

THE ATTORNEY GROUP

Daniel King, SBN: 207911

3435 Wilshire Blvd., Ste 1111

Los Angeles, CA 90010

Phone: 213.388.3887

Fax: 213.388.1744

Email: Daniel.King@TheAttorneyGroup.com

Attorney for Debtor(s), **MICHAEL DERMONT HILL & REGINA DELORSE HILL**

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re:

**MICHAEL DERMONT HILL & REGINA
DELORSE HILL,**

Debtor(s).

} Chapter 13

} Case No.: 2:14-bk-25039-NB

} **MOTION FOR ORDER TO VACATE
DISMISSAL; MEMORANDUM OF
POINTS AND AUTHORITIES;
DECLARATION OF ATTORNEY
DANIEL KING**

**TO THE HONORABLE JUDGE NEIL BASON; CHAPTER 13 TRUSTEE AND
ALL INTERESTED PARTIES:**

Michael Dermont Hill & Regina Delorse Hill (hereinafter referred to as "Debtors"), by and through their attorney of record, Daniel King, hereby applies this Court for an order to vacate dismissal. This motion is brought pursuant to Bankruptcy Rule 60, and is based upon the information contained in the attached Motion, the files of the Trustee and the Court, and for such other written and oral evidence that may be present at the hearing.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **FACTUAL BACKGROUND**

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5 This Chapter 13 case was filed on August 5, 2014. An Order Granting the Debtors' Chapter
6 13 Plan was entered on April 3, 2015. On August 28, 2017, an Order dismissing the Debtors'
7 bankruptcy case was entered pursuant to the Chapter 13 Trustee's Motion to Dismiss filed on
8 March 1, 2017 as docket no. 76.

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10 The Chapter 13 Trustee's Motion to Dismiss allege that the Debtors have failed to produce
11 all Federal Income Tax Returns for the Trustee's Inspection and review. A hearing on said
12 motion to dismiss was set for April 27, 2017.

13 On April 27, 2017, appearance attorney Danny Agai appeared on behalf of Attorney Daniel
14 King for the Debtor regarding the above-referenced hearing. Per the attorney's report, the Court
15 continued the hearing on the Trustee's Motion to Dismiss for June 22, 2017 in order to provide
16 copies of the debtors tax returns. See Exhibit "1" – Appearance Results from 4/27/2017 hearing.

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18 Shortly before the June 22, 2017 hearing, the debtors communicated to their attorney that
19 they were not going to be filing for tax returns for years 2015 & 2016 as the debtors did not have
20 sufficient taxable income in order to file for federal or state taxes; as such, on June 21, 2017, the
21 attorney for Debtors filed a "Declaration of Debtors Regarding Unfiled Tax Returns for Tax
22 Period 2015 & 2016". See Exhibit "2" – Declaration of Debtors RE Unfiled Tax Returns.

23
24 On June 22, 2017, the same attorney Danny Agai, appeared on behalf of Attorney Daniel
25 King for the Debtors. This hearing was again continued to August 17, 2017 so that the debtors
26 could be current with all plan payments and also submit a declaration explaining the income. See
27 Exhibit "3" – Appearance Results from 6/22/2017 hearing.
28

1 On June 22, 2017, the attorney's assistant emailed the Debtor's regarding the hearings results
2 and indicated that the case had been continued to August 17, 2017. See Exhibit "4" – Email from
3 Attorney's assistant to Debtors.

4 On July 6, 2017, the attorney's assistant e-mailed the debtors again in regars to the hearing's
5 results. See Exhibit "4" – Email from Attorney's assistant to Debtors.

6
7 Unfortunately, through inadvertent error and mistake, the attorney's assistant failed to update
8 the attorney's calendar with the continued hearing date.

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10 **II.**

11 **RULE 60(b) ALLOWS FOR RELIEF OF A COURT ORDER BASED ON MISTAKE,**
12 **INADVERTENCE, SURPRISE, OR EXCUSABLE NEGLECT**

13 Rule 60 in pertinent parts state as follows:

14 "(b) Grounds for Relief from a Final Judgment, Order or Proceeding.

15 On Motion and just term, the court may relieve a party or its legal representative from a
16 final judgment, order, or preceeding for the following reasons:

17 (1) Mistake, inadavertence, surprise or excusable neglect;...

18
19 In this case it was the attorney's assistant inadavertent error and mistake that caused the
20 dismissal on the case as he failed to list the continued hearing date on the attorney's calendar.
21 Had the attorney's assistant calendared the date into the attorney's calendar, then the attorney
22 would have made the appearance on the continued hearing date as he has done so in the past.

23
24 **CONCLUSION**

25 Based on the foregoing, Debtor respectfully requests the Court to vacate the dismissal so that
26 Debtor can complete the Chapter 13 plan

27 //
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1 Dated: 9/15/17

Respectfully Submitted,

By: 

Daniel King,
Attorney for Debtor

DECLARATION OF DANIEL KING IN SUPPORT

I, Daniel King, hereby declarare the following:

1. I am the attorney for the debtor in the above-referenced bankruptcy case. I declare that all the following is true and correct to the best of my knowledge and if called upon as a witness, I could and would competently testify to the truthfulness of all the following statements.
2. This Chapter 13 case was filed on August 5, 2014. The Debtors' Chapter 13 Plan was confirmed on April 3, 2015. On August 28, 2017, an Order dismissing the Debtors' bankruptcy case was entered pursuant to the Chapter 13 Trustee's Motion to Dismiss filed on March 1, 2017 as docket no. 76; a hearing on said motion was set for April 27, 2017.
3. On April 27, 2017, Danny Agai, an appearance attorney, appeared on my behalf in regards to the above-referenced hearing. Per his notes, the Court continued the hearing to June 22, 2017 in order to provide copies of the Debtors tax returns.
4. Shortly before the hearing, the debtors communicated to my office that they were not going to file for tax returns as their taxable income was insufficient enough to file for tax returns; as such, a declaration from the Debtors regarding the above-statement was filed with the Court.
5. On June 22, 2017, the same attorney, Danny Agai, appeared on my behalf for the Debtors. Per his notes, he inidicated that the Court had continued the hearing again until August 17, 2017 so that the debtors could be current with plan payments and to also submit a declaration regarding their income.
6. On June 22, 2017 & on July 6, 2017, my assistant e-mailed the Debtors regarding the

1 hearing results. Unfortunately, my assistant through inadvertent error and mistake, forgot
2 to calendar the hearing on my calendar, as such, I did not make the appearance on the
3 continued hearing date.

4 I declarare under penalty of perjury under the laws of the United States that the foregoing is
5 true and correct. Executed at Los Angeles on September 14, 2017
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9 Daniel King
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EXHIBIT "1"

----- Forwarded Message -----

Subject:Re: Hill, Michael & Regina // TMD // LA // 4/27/2017

Date:Thu, 27 Apr 2017 17:39:22 -0700

From:Danny Agai <dannyagai@gmail.com>

To:outcome@thegenesislaw.com

Re: Hill, Michael & Regina

Hearing Results: I appeared at the hearing re: Trustee's motion to dismiss. I spoke to the Trustee and explained that the Debtors' sent their 2014 tax returns last week, that they plan on amending these returns, and that they have not yet filed their 2015 tax returns. **Hearing on motion to dismiss was continued to June 22, 2017 at 11:00 a.m. Trustee said that 2015 tax returns must be provided by 5/31/2017.** Please let me know if you have any questions regarding this hearing.

Thanks,

Danny Agai

EXHIBIT "2"

THE ATTORNEY GROUP

Daniel King, SBN: 207911
3435 Wilshire Blvd, Ste 1111
Los Angeles, CA 90010
Tel: (213)388-3887
Fax: (213)388-1744

Attorney for Debtors,

MICHAEL DERMONT HILL & REGINA DELORSE HILL

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re,

) Case No.: 2:14-bk-25039-NB

) **DECLARATION OF DEBTORS**

) **REGARDING UNFILED TAX RETURNS**

) **FOR TAX PERIOD 2015 & 2016**

**MICHAEL DEMONT HILL & REGINA
DELORSE HILL**

Debtor.

We, Michael Dermont Hill & Regina Delorse Hill, declare:

1. We are the debtors in this action and have personal knowledge of the facts set forth below and if called upon to testify we could and would do so to the best of our abilities.
2. We have not filed for federal or state tax returns since 2014 as we have not had any taxable income for 2015 or 2016 tax years.

**DECLARATION OF DEBTORS REGARDING UNFILED TAX RETURNS FOR TAX
PERIOD 2015 & 2016**

3. I, Michael Hill, was unemployed during this time and not receiving any taxable income.
4. As for me, Regina Hill, I have been receiving Social Security Disability Income which is non-taxable income.
5. As such, we are not required to file for tax returns for 2015 or 2016 tax years.

We declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed at Los Angeles on June 21, 2017.


Michael Dermont Hill


Regina Delorse Hill

EXHIBIT "3"

----- Forwarded Message -----

Subject:Re: Hill, Michael & Regina // TMD // LA // 6/22/2017

Date:Thu, 22 Jun 2017 14:56:54 -0700

From:Danny Agai <dannyagai@gmail.com>

To:outcome@thegenesislaw.com

Re: Hill, Michael & Regina

Hearing Results: I appeared at the hearing re: Trustee's motion to dismiss. I spoke to the Trustee and explained that the Debtors did not file tax returns in 2015 and 2016 because they did not make sufficient taxable income to require them to file, as the Debtor was unemployed and the Joint Debtor receives SSDI. I presented the filed declaration. I also explained that the Debtors did not know that the step up in their plan payment had kicked in and that they were making the same lower payment. Trustee asked that the following issues be resolved before the next hearing:

- Debtors must be current with plan payments
- provide a more thorough declaration explaining income (Trustee seemed confused as to how the Debtors are making payments if Debtor is not employed)
- may need to file a motion to modify plan payments based on change in circumstances

Hearing on motion to dismiss was continued to August 17, 2017 at 11:00 a.m. Please let me know if you have any questions regarding this hearing.

Thanks,

Danny Agai

EXHIBIT "4"

----- Forwarded Message -----

Subject:Continued hearing on trustee's motion to dismiss

Date:Thu, 22 Jun 2017 15:10:47 -0700

From:Dennis Peters <dennis.peters@theattorneygroup.com>

To:papabbqmike@gmail.com, papabbqgina@gmail.com

Mr. & Ms. Hill,

The attorney attended the hearing today. The hearing was again continued to August 17, 2017. The trustee asked that you be current with all plan payments by this date, however, we can try and modify the payment but we will need to review some things before.

In addition, the trustee needs a more thorough explanation as to the declaration that was filed, in particular, the trustee needs to know how you were able to pay the plan payment for so long if your husband was unemployed for such a long time. So please provide an explanation.

I would also, need to get the pay off statement for the vehicle as well as the copy of the pay stubs that your husband has available for this year.

Thank you.

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Dennis Peters
Attorney Group
Sr. Bankruptcy Paralegal
3435 Wilshire Blvd #1111
Los Angeles, CA 90010
Direct - 213-388-3887 EXT386
Fax - 877-799-8453

----- Forwarded Message -----

Subject:Continued Hearing on Trustee's Motion to Dismiss Case

Date:Thu, 6 Jul 2017 11:36:46 -0700

From:Dennis Peters <dennis.peters@theattorneygroup.com>

To:papabbqmike@gmail.com, papabbqgina@gmail.com

Mr. & Ms. Hill,

The hearing on the trustee's motion to dismiss was continued to August 17, 2017 at 11am for the following reasons:

- 1) Debtors to be current on all plan payments by hearing date
- 2) Provide a thorough declaration explaining income (trustee was confused as to how you were able to make plan payments while your husband was unemployed)

Also, I believe you mentioned that your vehicle was not paid off yet, keep in mind that the trustee increased your plan payment based on your vehicle being paid off, as such, please provide the contract or any document showing what the pay-off date is for the vehicle.

Thank you.

--

Dennis Peters
Attorney Group
Sr. Bankruptcy Paralegal
3435 Wilshire Blvd #1111
Los Angeles, CA 90010
Direct - 213-388-3887 EXT386
Fax - 877-799-8453

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
3435 Wilshire Blvd, Suite 1111, Los Angeles, CA 90010

A true and correct copy of the foregoing document entitled: Notice of Motion for Order without Hearing Pursuant to LBR 9013-1(o) will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 9/15/2017, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Kathy A Dockery (TR): efiling@CH13LA.com
Gary D Fidler: gfidlerlaw@gmail.com
Marian Garza: ecfnotices@ascensioncapitalgroup.com
Michelle R Ghidotti: ECFNotifications@ghidottilaw.com
Merdaud Jafarnia: m,mjafarnia@ecf.inforuptcy.com
Daniel King: dking@TheGenesisLaw.com, r44432@notify.bestcase.com
Andrew Kussmaul: Andrew.Kussmaul@BuckleyMadole.com
Edward G Schloss: egs2@ix.netcom.com
Timothy J Silverman: tsilverman@scheerlawgroup.com
Ramesh Singh: claims@recoverycorp.com
United States Trustee (LA): ustpregion16.la.ecf@usdoj.gov
Gagan G Vaideeswaran: ecfcacb@aldridgepite.com, GGV@ecf.inforuptcy.com
Jennifer H Wang: jwang@cookseylaw.com, jwang@ecf.courtdrive.com
Kristin A Zilberstein: ecfnotifications@ghidottilaw.com
Natalie E Zindorf: Natalie.Zindorf@BuckleyMadole.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) 9/15/2017, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Honorable Judge
Neil Bason
255 E. Temple Street
Suite 1552
Los Angeles, CA 90012

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

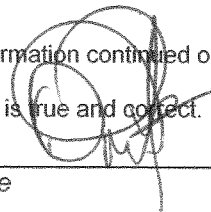
September 15, 2017

Dennis Peters

Date

Printed Name

Signature



Service List

Advanced Endoscopy and Pain Center
PO Box 116537
Atlanta, GA 30368

Quantum3 Group LLC as agent for
Galaxy International Purchasing LLC
PO Box 788
Kirkland, WA 98083

Bank of America
Attn: Correspondence Unit/CA6-919-02-41
Po Box 5170
Simi Valley, CA 93062

Recovery Management Systems Corporation
25 S.E. 2nd Avenue, Suite 1120
Miami, FL 33131

Bayview Loan Servicing, LLC
4425 Ponce De Leon Blvd. 5th Floor
Coral Gables, Florida 33146

Seneca Mortgage Servicing
3374 Walden Avenue
Suite 120
Depew, NY 14043

Bayview Loan Servicing, LLC
4425 Ponce De Leon Blvd. 5th Floor
Coral Gables, Florida 33146

SRP 2012-4 LLC
c/o SN Servicing Corp.
323 5th Street
Eureka, CA 95501

Beverly Radiology
P.O. Box 101418
Pasadena, CA 91189

SRP 2012-4, LLC
c/o Seneca Mortgage Servicing LLC
611 Jamison Road
Elma, NY 14059

Capital 1 Bank
Attn: Bankruptcy Dept.
Po Box 30285
Salt Lake City, UT 84130

THE BANK OF NEW YORK MELLON
Pite Duncan, LLP
4375 Jutland Drive, Suite 200,
P.O. Box 17933
San Diego, CA 92177

Commercial Properties
3251 W. 6th Street #109
Los Angeles, CA 90020

Commercial Properties LLC
c/o Aspen Management Attn Janice Loman
18321 Ventura Blvd Ste 200
Tarzana CA 91356 A

U. S. Department of Education
FedLoan Servicing
P. O. Box 69184
Harrisburg, PA 17106

Eddie Haung
20715 South Avalon Blvd Suite 225
Carson, CA 90746

USC Medical Center
File 749303
Los Angeles, CA 90074

Equiant Financial Svcs
Attn: Bankruptcy Dept
5401 N Pima Rd
Scottsdale, AZ 85250

Wells Fargo Bank, N.A.
P.O. Box 19657
Irvine, CA 92623

Exeter Finance Corp
222 Las Colinas Blvd W
Irving, TX 75039

Wfs Financial/Wachovia Dealer Svcs
Po Box 3569
Rancho Cucamonga, CA 91729

Exeter Finance Corp.
P.O. Box 204480
Dallas, TX 75320

Fed Loan Serv
Po Box 69184
Harrisburg, PA 17106

Gary D. Fidler & Chaplan LLP
2719 Wilshire Blvd 2nd Floor
Santa Monica, CA 90403

Healthcare Recovery Solutions
1515 190th Street
Suite 350
Gardena, CA 90248

Lancaster Triangle LLC
2719 Wilshire Blvd 2nd Floor
Santa Monica, CA 90403

Los Angeles County Sheriff
One Regent Street
Inglewood, CA 90301

LVNV Funding, LLC its successors and assigns as
assignee of Washington Mutual Bank, NA
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603

Northland Group
P.O. Box 390846
Mail Code SHT34
Minneapolis, MN 55439

Portfolio Recovery
Attn: Bankruptcy
Po Box 41067
Norfolk, VA 23541

Portfolio Recovery Associates, LLC
c/o Capital One/Hsbc
POB 41067
Norfolk VA 23541